

**UNITED STATES COURT OF APPEALS
DISTRICT OF COLUMBIA CIRCUIT**

SHAWN MUSGRAVE,

Appellant,

v.

MARK WARNER, *et al.*,

Appellees.

Case No. 22-5252

* * * * *

STATEMENT OF ISSUES TO BE RAISED

Appellant Shawn Musgrave (“Musgrave”), by and through undersigned counsel, hereby respond to the Court’s Scheduling Order dated 28 September 2022 as follows. This case involves the following questions:

1. Whether the District Court erred as a matter of law in concluding that the Court lacked subject matter jurisdiction over the case?
2. Whether the District Court erred as a matter of fact and law in concluding that Senate Report 113-288, *Report of the Senate Select Committee on Intelligence Committee Study of the Central Intelligence Agency’s Detention and Interrogation Program* (“the Report”) was covered by the Speech or Debate Clause of the U.S. Constitution?

3. Whether the District Court erred as a matter of fact and law in concluding that the Report was not a public record?
4. Whether the District Court erred as a matter of fact and law in concluding that Appellees' interest in secrecy outweighed the public's interest in disclosure?
5. Whether the District Court erred as a matter of law in concluding that Musgrave's request for a sanitized version of the Report—in which all classified information which had not been previously officially disclosed would be redacted—was moot?
6. Whether the District Court erred as a matter of law in concluding that Musgrave's request for limited discovery in lieu of dismissal was barred.

Date: October 28, 2022

Respectfully submitted,

/s/ Kelly B. McClanahan
Kelly B. McClanahan, Esq.
D.C. Bar #984704
National Security Counselors
4702 Levada Terrace
Rockville, MD 20853
301-728-5908
240-681-2189 fax
Kel@NationalSecurityLaw.org

Counsel for Appellant